

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

#### Adjournment

Senator Redditt moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, April 17, 1939.

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Redditt, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—12

Beck	Isbell
Brownlee	Lemens
Collie	Pace
Cotten	Redditt
Graves	Shivers
Hardin	Winfield

#### Nays—17

Aikin	Roberts
Burns	Small
Head	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Stone
Metcalfe	of Washington
Moffett	Sulak
Moore	Van Zandt
Nelson	

#### Absent

Martin	Weinert
--------	---------

The motion of Senator Hill prevailed; and the Senate, accordingly, at 4:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### FIFTY-FIRST DAY

(Friday, April 14, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Cotten
Brownlee	Graves
Burns	Head
Collie	Hill

Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Metcalfe	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield

#### Absent—Excused

Beck	Martin
Hardin	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Beck was granted leave of absence for today, on account of important business, on motion of Senator Burns.

Senator Martin was granted leave of absence for today, on account of important business, on motion of Senator Cotten.

Senator Hardin was granted leave of absence for today, on account of important business, on motion of Senator Stone of Galveston.

#### Senate Concurrent Resolution 14

The President laid before the Senate for consideration at this time:

S. C. R. No. 14, Authorizing S. D. Evans, et al., to sue the County of Bastrop.

The resolution was read and was adopted.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered final passage of H.

B. No. 683 by viva voce vote and the House refuses to concur in Senate amendments to House Bill No. 683 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. The following are appointed on the part of the House: Kinard, Hartzog, Dickison, Clark and Shell.

The House has passed the following bills and resolutions:

H. C. R. No. 98, Recalling House Bill No. 310 from the Governor's office.

S. B. No. 34, A bill to be entitled "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the penitentiary for not less than one nor more than five years, and declaring an emergency." (With amendments.)

S. B. No. 48, A bill to be entitled "An Act validating an election held under the provisions of Chapter 339, Acts Regular Session, Forty-fourth Legislature, transferring certain lands from the Evans Common School District No. 7, in Mills County, Texas, to The Mullin Independent School District, Mills County, Texas, and to the Jones Valley Common School District No. 12, in Mills County, Texas, and declaring an emergency."

S. B. No. 102, A bill to be entitled "An Act to conserve, preserve, and protect lands, products of lands, including timber and crops, and providing penalties, and declaring an emergency." (With amendments.)

S. B. No. 189, A bill to be entitled "An Act to amend Article 4225 of the Revised Civil Statutes of Texas, 1925, so as to provide for annual accounts and the matter to be shown therein and that guardians shall show in such annual accounts the source and nature of receipts and disbursements, showing principal and income separately, and include in their accounts by reference to former accounts or otherwise an accurate and detailed description of all property, real and personal, on hand belonging to the ward and the condition and use being made thereof, and to require the exhibition of all securities owned by the ward to the Court or

to a person designated by the Court, or the furnishing with their accounts of certain other proof that such assets, together with the cash due the ward, are on hand, and declaring an emergency."

S. B. No. 209, A bill to be entitled "An Act amending Chapter 49 of the General and Special Laws of the Third Called Session of the Forty-third Legislature being H. B. No. 65, page 100 of the General and Special Laws of the Third Called Session of the Forty-third Legislature, making it unlawful to kill wild fox, or to take or have in one's possession for barter or sale the pelts of wild fox, in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

S. B. No. 275, A bill to be entitled "An Act to reorganize the 87th Judicial District of Texas, to be constituted of Limestone, Freestone, Anderson and Leon Counties, Texas, and to provide for the terms thereof; to provide that the Judge of the 87th Judicial District shall continue to serve in said District and the period thereof; and to provide that the District Attorney of the 12th Judicial District, now elected and acting, shall represent the State in all criminal and civil cases in which the State is interested hereafter tried in the 87th Judicial District in Leon County, Texas, and to provide that the District Clerk in the respective counties composing the 87th Judicial District herein reorganized, shall serve as the District Clerks of the 87th Judicial District: and to provide that all processes and writs issued or served and recognizances and bonds and undertakings entered into before this Act takes effect and made returnable to the 87th Judicial District in Limestone, Freestone, and Anderson Counties, shall be considered as returnable to the next succeeding term of the 87th Judicial District Court in reorganizing the same, and to provide that all grand and petit juries drawn and selected under the existing laws, in either Anderson, Limestone, Freestone, or Leon Counties, shall be considered as legally drawn and selected for the next ensuing term of the District Court of their respective counties, providing for the jurisdiction of said 87th Judicial District; and providing a seal for said 87th Judicial District

Court in Leon County; and to change and prescribe the terms for holding District Court of the 12th Judicial District of the State of Texas; and to conform all writs and processes of such court to such changes; and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds returnable to the terms of court in the several counties in said 12th Judicial District as herein fixed, and to validate the summoning of grand and petit jurors and juries, and providing for the continuation of court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency." (With amendments.)

S. B. No. 303, A bill to be entitled "An Act creating a Conservation and Reclamation District composed of Kerr County, to be known as the Upper Guadalupe River Authority, pursuant to and for the purposes set forth in Section 59-a of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by General Law upon districts created pursuant to said Section 59-a, except as expressly limited, conferring certain powers thereon, including power of control, storage, preservation, use and distribution of the waters of the Guadalupe River and its tributaries; to acquire property by condemnation or otherwise; to construct, maintain, use and operate facilities; to make contracts, to borrow money; to create and issue its negotiable revenue bonds for cash, property or refunding purposes on states terms and conditions, and in connection therewith to pledge all or any part of its revenues, vesting the powers of the District in a Board of Directors and prescribing the manner

of their appointment and their duties; providing for the appointment of officers, agents and employees; providing for the fiscal management of the District; preserving existing water rights to the extent provided; prescribing all necessary details to carry out the intent and purpose of this Act; making an appropriation of Seven Thousand Five Hundred (\$7,500.00) Dollars to the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency." (With amendments.)

S. B. No. 328, A bill to be entitled "An Act to prohibit the sale of any fresh water fish caught or trapped from the fresh waters of certain counties, fixing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as subdivision 104, providing for the creation of private corporations for the purpose of processing, scouring, buying and selling, wool, hair, and mohair, for profit, and declaring an emergency." (With amendments.)

S. B. No. 247, A bill to be entitled "An Act providing that in any Water Control and Improvement District, now existing or hereafter created, having within its boundaries more than one hundred thousand acres of land, and whose boundaries embrace lands within two or more counties, directors may either be elected at elections held in such districts at large as provided by Section 37, Chapter 25 of the Acts of the Thirty-ninth Legislature, Regular Session, 1925, as amended by Section 6, Chapter 107, of the Acts of First Called Session of the Fortieth Legislature, 1927; or by the precinct method; prescribing the procedure for adopting such precinct method of electing directors by districts of such classification hereafter created, and by such districts existing at the time this Act takes effect; limiting the terms of office of directors of any such district adopting such precinct method in office at the time of such adoption; prescribing the qualifications of directors elected by the precinct meth-

od; prescribing the manner of determining the terms of office of the first directors elected by the precinct method, and prescribing the terms of office of directors elected at the second and succeeding precinct elections; providing that the board of directors of any such district adopting such precinct method may from time to time change the boundaries of such precincts, but not more frequently than every four years; prescribing the manner of filling vacancies in the offices of directors elected by the precinct method; providing that all laws relating to the election and qualification of directors of Water Control and Improvement Districts shall govern and control the election and qualification of directors elected by the precinct method, except as in this Act otherwise provided; and declaring an emergency."

S. B. No. 267, A bill to be entitled "An Act validating proceedings heretofore had by certain cities in Texas, other than home-rule cities, for the issuance of revenue bonds and ad valorem tax bonds for the purpose of procuring funds to construct waterworks and sewer systems for such cities; validating the bonds to be issued pursuant to such proceedings and the indentures executed and to be executed as a security for such bonds, authorizing the adoption of the proceedings necessary to complete the issuance of such bonds, validating proceedings had in the incorporation of such cities, providing the manner in which the assessed valuation of taxable property may be determined in such of said cities as have not heretofore levied taxes, repealing all conflicting acts, and declaring an emergency."

S. B. No. 287, A bill to be entitled "An Act amending Chapter 30 of the Local and Special Laws of the Thirty-fifth Legislature of Texas, Regular Session, as amended by Chapter 471 of the Local and Special Laws of the First Called Session of the Thirty-ninth Legislature of Texas, by adding thereto Sections 13b and 13c so as to provide for the funding of certain outstanding road and bridge obligations of McCulloch County, Texas, not to exceed a total principal amount of Sixty-nine Thousand (69,000.00) Dollars; validating, ratifying and confirming such outstanding obliga-

tions and said refunding bonds; and declaring an emergency."

S. B. No. 308, A bill to be entitled "An Act fixing the maximum fees of county officials in certain counties containing a population of not less than 18,528 and not more than 18,535 according to the last preceding Federal census, and declaring an emergency."

S. B. No. 329, A bill to be entitled "An Act to amend Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature of the State of Texas, being the Act creating the Nueces River Conservation and Reclamation District, so as to provide that the whole of Webb County shall be removed from and excluded from the provisions thereof; to create the Webb County Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas; defining the powers and duties of said District; providing for directors, and organization and operation of said District and the authority and duties of said Directors; defining the area of said District; providing for certain duties of the State Board of Water Engineers and the Governor of the State; providing that said District shall be governed by the provisions of this Act and all General Laws of the State of Texas; providing that such District be a governmental agency, body politic and corporate; authorizing the acquisition of lands, leases, buildings and property necessary for the purposes for which said District is created; vesting such body corporate with the right and powers of eminent domain; providing a constitutional saving clause, and declaring an emergency."

S. B. No. 338, A bill to be entitled "An Act to fix the maximum rate to be levied for school purposes in all independent school districts which include within their limits an incorporated city or town which according to the then latest Federal Census had a population of not fewer than four thousand four hundred fifty (4,450) and not more than four thousand four hundred eighty-five (4,485) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

S. B. No. 410, A bill to be entitled "An Act amending Subdivision 23 of

Article 199, Title 8, Revised Civil Statutes of Texas, and providing for changing and prescribing terms and times of holding Court in the Twenty-third Judicial District of Texas, validating and continuing all process, writs, bonds, recognizances and making them returnable to the terms of Court in the several counties in said District as herein fixed, to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act, enacting proper provisions relative to any term of Court that may be in session when this Act takes effect."

S. B. No. 346, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose, providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed \$25,000,000, and eliminating from Section 10 the provisions with reference to purchase of property of Central Texas Hydro-Electric Company; adding a section to be known as Section 14b authorizing the sale, lease or other disposition to any electric cooperative, municipality or other governmental agency or body politic and corporate of the State of Texas of any property acquired or constructed by the District and incidental to or used or useful in the generation, production, transmission, distribution or sale of electric energy; authorizing it to pledge the proceeds of any such sale or sales; and declaring an emergency."

S. B. No. 355, A bill to be entitled "An Act providing for additional traveling expenses for County Superintendents of Public Instruction in counties of Texas having a population of not less than 15,725 and not more than 15,775, according to the last preceding Federal Census, and declaring an emergency."

S. B. No. 407, A bill to be entitled "An Act to confirm and validate all re-sales and awards of public school lands in counties with a population of not less than 6,400 nor more than 6,500, according to the last preceding Federal Census, to the spouse of the forfeiting owner, where such public

school lands were forfeited prior to January 1, 1938, and came under the terms of either Acts 1925, Thirty-ninth Legislature, Regular Session, Chapter 94, page 267, or Acts 1926, Thirty-ninth Legislature, First Called Session, Chapter 25, page 43, or any amendments to either of said Acts, and either the forfeiting owner or the spouse of the forfeiting owner filed, prior to January 1, 1938, his request for the re-valuation of such lands and said request was granted and said land re-valuated by the Commissioner of the General Land Office, and such land re-sold or awarded by the Commissioner of the General Land Office, prior to January 1, 1938, to the spouse of such forfeiting owner, and providing that such re-sale or award to such spouse of such forfeiting owner shall be deemed as valid as if such sale or award had been made in the name of the forfeiting owner himself; and declaring an emergency."

S. B. No. 370, A bill to be entitled "An Act amending Article 4725 of the Revised Civil Statutes of Texas of 1925, as amended, Acts 1937, Forty-fifth Legislature, page 330, Chapter 168; designating the securities in which the funds of life insurance companies may be invested; providing that life insurance companies may invest funds in any bonds or interest bearing warrants issued by authority of law by any county, city, town, school district or other municipality or subdivision constituted or organized under the laws of the State of Texas, and authorized to issue such bonds or warrants under the Constitution and laws of Texas, provided legal provision has been made by a tax to meet such obligations, or in the alternative, that special revenues sufficient to meet the principal and interest payments as they accrue upon such obligations shall have been appropriated, pledged or otherwise provided by the issuing municipality or subdivision; providing that any life insurance company, for the purpose of investing its capital and surplus over and above the amount of its reserves, may purchase and hold as collateral security, or otherwise, and sell and convey the capital stock, bonds, debentures, bills of exchange or other commercial notes or bills and securities of any solvent dividend paying corporation which has not defaulted in the payment of any of its

obligations for a period of five years if the corporation has been in existence for a period of five years, or which has never at any time defaulted in the payment of any of its obligations if the corporation has been in existence less than five years; and declaring an emergency." (With amendments.)

S. B. No. 412, A bill to be entitled "An Act providing for rural school supervisor in counties having a population of not less than two thousand seven hundred fifty (2,750) and not more than three thousand (3,000) inhabitants according to the last preceding Federal Census, in lieu of Teachers' Institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how he shall be paid; providing other things incidental to said purpose; and declaring an emergency." (With amendments.)

S. B. No. 419, A bill to be entitled "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds for such obligations; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject; and declaring an emergency."

S. B. No. 429, A bill to be entitled "An Act to amend House Bill No. 473, Section 1, Acts of the Forty-sixth Legislature, Regular Session, so as to fix the term of office of the County Purchasing Agent in all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants, according to the last preceding Federal Census, and wherein is situated an incorporated city of more than one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal Census; providing that the salary of said County Purchasing Agent shall be fixed by the board composed of the Judges of the Dis-

trict Courts and the County Judge; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Report of Conference Committee on House Bill 170

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the Conference Committee on H. B. No. 170:

Austin, Texas,  
April 13, 1939.

Hon. R. Emmett Morse, Speaker of the House.

Hon. Coke R. Stevenson, President of the Senate.

Sirs: We, your Free Conference Committee, to whom was referred

H. B. No. 170, with Senate amendments, A bill to be entitled "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than fifty thousand (50,000) and not more than fifty thousand, one hundred (50,100), and in counties having a population of not less than thirty-eight thousand, seven hundred and sixty-five (38,765) and not more than thirty-eight thousand, seven hundred and seventy-five (38,775); and in counties having a population of not less than twenty-nine thousand, two hundred and ten (29,210) and not more than twenty-nine thousand, six hundred and thirty (29,630), and in counties having a population of not less than seventy-seven thousand, seven hundred and fifty (77,750) and not more than seventy-seven thousand, eight hundred (77,800), and in counties having a population of not less than twenty-two thousand, five hundred and ninety (22,590) and not more than twenty-two thousand, eight hundred and eighty (22,880) and in counties having a population of not less than fourteen thousand, five hundred and fifty (14,550) and not more than fourteen thousand, eight hundred (14,800), and in counties having a population of not less than twenty thousand (20,000) and not more than twenty thousand and fifty (20,050), according to the

last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law; and declaring an emergency,"

Have adjusted the differences between the two Houses on House Bill No. 170, beg to recommend that said bill be passed in the form and text as submitted herewith:

ROBERTS  
VAN ZANDT,  
COLLIE,  
HARDIN,  
HEAD,

On the part of the Senate.

SMITH of Hopkins,  
HARTZOG,  
DERDEN,  
THORNBERRY,  
HOLLAND,

On the part of the House.

By Holland.

H. B. No. 170.

#### A BILL TO BE ENTITLED

An Act providing for a more adequate and equitable salary and certain expenses for County Superintendents of Public Instruction in Counties of Texas having a population of not less than fifty thousand (50,000) and not more than fifty-one thousand (51,000) according to the last preceding Federal Census; in counties having a population of not less than thirty-eight thousand, seven hundred and sixty-five (38,765) and not more than thirty-eight thousand, seven hundred and seventy-five (38,775) according to the last preceding Federal Census; in counties having a population of not less than twenty-nine thousand, two hundred and ten (29,210) and not more than twenty-nine thousand, six hundred and thirty (29,630) according to the last preceding Federal Census; in counties having a population of not less than seventy-seven thousand, seven hundred and fifty (77,750) and not more than seventy-seven thousand, eight hundred (77,800) according to the last preceding Federal Census; in counties having a population of not more than seventy thousand (70,000) according to the last preceding Federal census and having at least two incorporated cities within their

boundary, a population of more than thirteen thousand eight hundred (13,800) each, according to the last preceding Federal Census; in counties having a population of not less than twenty thousand (20,000) and not more than twenty thousand and fifty (20,050), according to the last preceding Federal Census; in all counties in Texas having not less than twenty-three thousand three hundred (23,300), nor more than twenty-three thousand four hundred (23,400) population, according to the last preceding Federal Census; in all counties having not less than seventeen thousand six hundred (17,600), nor more than seventeen thousand six hundred and fifty (17,650) population according to the last preceding Federal Census; in all counties having not less than fifteen thousand seven hundred (15,700) nor more than fifteen thousand seven hundred and thirty (15,730) population according to the last preceding Federal Census; in counties having a population of not less than thirty thousand, two hundred and seventy-five (30,275) nor more than thirty thousand three hundred (30,300) according to the last preceding Federal Census; in counties having not less than eighteen thousand (18,000) nor more than eighteen thousand five hundred (18,500) according to the last preceding Federal Census; providing office and traveling expenses in certain counties; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law; providing a savings clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the passage of this Act in all counties of the State of Texas having a population of not less than fifty thousand (50,000) and not more than fifty-one thousand (51,000) according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be not less than Three thousand, three hundred (\$3,300) dollars nor more than Three Thousand Six Hundred (\$3,600) Dollars per annum to be fixed by order of the Board of Education of such counties; and in counties having a population of not less than thirty-

eight thousand, seven hundred and sixty-five (38,765), and not more than thirty-eight thousand, seven hundred and seventy-five (38,775) according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be Three Thousand, Three Hundred Dollars (\$3,300) per annum; all counties in this State which have a population of not less than twenty-nine thousand, two hundred and ten (29,210) and not more than twenty-nine thousand, six hundred and thirty (29,630), according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be Three Thousand Dollars (\$3,000) per year or Two Hundred and Fifty Dollars (\$250) per month, to be paid in accordance with and in the manner as provided by General Law governing the maintenance of the office of County Superintendent, as provided in Article 2700, Revised Civil Statutes of Texas of 1925.

Sec. 2. In counties having a population of not less than seventy-seven thousand, seven hundred and fifty (77,750) and not more than seventy-seven thousand, eight hundred (77,800), according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be Three Thousand, Six Hundred Dollars (\$3,600.00) per annum. Such salary shall be paid in accordance with existing laws governing such office.

Sec. 3. From and after the passage of this Act in all counties of the State of Texas having a population of not more than seventy thousand (70,000) according to the last preceding Federal census and having at least two incorporated cities within their boundary with a population of more than thirteen thousand eight hundred (13,800) each according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall be not less than the sum of Two Thousand Eight Hundred (\$2,800) Dollars per annum nor more than the sum of Three Thousand Eight Hundred (\$3,800) Dollars per annum to be fixed by the County Board of Education of each of such counties, and in making the annual per capita apportionment to the schools of such counties, the County Board of Education of such counties shall make an annual allowance out

of the State and County available school funds for the payment of the salary of the superintendents of public instruction for such counties; and in addition thereto, office expenses of an amount not in excess of Three Hundred (\$300.00) Dollars per annum for stamps, stationery and telephone; and said County Board of Education is also authorized to allow for traveling expenses of such county superintendents a sum not in excess of Three Hundred (\$300) Dollars per annum to defray the expense incurred by such county superintendents which said sum shall be paid by said county Board of Education upon certificate of such superintendents that the expenses have been incurred in the discharge of his duties as such superintendents and the salary and expenses herein provided to be paid monthly upon the order of the school trustees; providing that the salaries for the month of September shall not be paid until the County Superintendent of Public Instruction shall have presented a receipt or certificate from the State Superintendent of Public Instruction showing that he has made all reports required of him, that the expenses provided for herein shall be paid monthly by the County Treasurer on the order of the County Board of Education.

Sec. 4. In counties having a population of not less than twenty thousand (20,000) and not more than twenty thousand and fifty (20,050), according to the last preceding Federal Census, the salary of the County Superintendent of Public Instruction shall not be less than the sum of Two Thousand, Five Hundred Dollars (\$2,500.00) per annum nor more than the sum of Three Thousand, Two Hundred Dollars (\$3,200.00) per annum, the amount of which salary shall be fixed by order of the County Board of Education for the respective counties, and the County Board of Education for each county coming within this section shall, by order entered in its Minutes, set the salary for each of the respective counties. The salary allowed shall be paid in the manner and in accordance with existing laws governing the office of the County Superintendent of Public Instruction.

Sec. 5. That the salary of the County Superintendent of Public Instruction in all counties in Texas having not less than twenty-three



thousand three hundred (23,300), nor more than twenty-three thousand four hundred (23,400) population, according to the last preceding Federal Census, and in all counties having not less than seventeen thousand six hundred (17,600), nor more than seventeen thousand six hundred and fifty (17,650) population according to the last preceding Federal Census; in all counties having not less than fifteen thousand seven hundred (15,700), nor more than fifteen thousand seven hundred and thirty (15,730) population according to the last preceding Federal Census shall be from and after the effective date of this Act Two Thousand Six Hundred (2,600.00) Dollars per year to be paid in twelve equal payments out of the State and County Available School Fund of such counties.

Sec. 6. From and after the passage of this Act in all counties of the State of Texas having a population of not more than thirty thousand three hundred (30,300) nor less than thirty thousand, two hundred and seventy-five (30,275) according to the last preceding Federal Census, shall be not less than the sum of Two Thousand Four Hundred (\$2,400.00) Dollars per annum nor more than the sum of Three Thousand Two Hundred (\$3,200.00) Dollars per annum to be fixed by the County Board of Education of each of such counties, and in making the annual per capita apportionment to the schools of such counties, the County Board of Education of such counties shall make an annual allowance out of the State and County Available School Funds for the payment of the salary of the Superintendent of Public Instruction for such counties payable in twelve equal payments out of the State and County Available School Fund of such counties.

Sec. 7. In all counties having a population of not less than eighteen thousand (18,000) and not more than eighteen thousand five hundred (18,500), according to the last preceding Federal Census, the County Board of Education, shall in addition to the salaries and expenses fixed by law allow not to exceed the sum of Three Hundred (300.00) Dollars per annum the actual traveling expenses of such County Superintendents made in the performance of his duty as County Superintendent and to be paid out of the State and County

Available School Fund of such County on order of the County Board of Education on such counties on the verified account of such County Superintendents.

Sec. 8. All laws and parts of laws, whether here referred to by Article, Title or Number or not, General or Special, in conflict herewith, are hereby modified and limited to the extent that they are not to be controlling, but the specific provisions of this Act shall be controlling in the counties to which it is made applicable. The provisions of this Act are cumulative of the General Law on the subject, and where not otherwise modified hereby such General Laws are made applicable.

Sec. 9. If any section, sub-section, paragraph, clause, or sentence of this Act be held for any reason invalid, such validity shall not affect the remaining portions of the Act, and the legislature hereby declares that it would have enacted such remaining portions with the omission of those parts held invalid.

Sec. 10. The fact that the County Superintendents of Public Instruction in the counties to which this Act is made applicable have multiplied duties, teachers to supervise, and districts in sections which require much travel in the full performance of their duties, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—27

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Metcalfe	of Washington
Moffett	Sulak

Van Zandt  
Weinert

Winfield

Absent—Excused

Beck  
Hardin

Head  
Martin

#### Senate Bill 6 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 6, A bill to be entitled "An Act declaring the floods of Harris County, Texas, to be a public calamity; authorizing a donation and grant to Harris County Flood Control District of one-half of the State ad valorem taxes collected in Harris County for flood control improvement and maintenance purposes, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Record of Votes

Senators Weinert and Aikin asked to be recorded as voting "nay" on the passage of the bill to engrossment.

#### Senate Bill 6 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hill  
Isbell  
Kelley  
Lanning  
Moore  
Nelson  
Pace  
Redditt

Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

#### Nays—3

Aikin  
Metcalf

Moffett

Absent

Lemens

Absent—Excused

Beck  
Hardin

Head  
Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Moffett, Pace, Metcalfe, Isbell, Hill, Lanning, Weinert, Sulak and Aikin asked to be recorded as voting "nay" on the passage of S. B. No. 6.

#### Senate Bill 224 on Passage to Engrossment

Senator Weinert moved to call from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on March 6, 1939):

S. B. No. 224, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1939 all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and the Assessor and Collector in each County shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said Assessor and Collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller

and defining the purposes and intention of this Act, and declaring an emergency."

The motion prevailed.

The President laid the bill before the Senate on its passage to engrossment.

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 224 by striking out the figures 1939 in the second line of Section 1 and substituting the figures 1940.

The amendment was adopted.

Senator Nelson offered the following amendments to the bill:

(1)

Amend S. B. No. 224, Sec. 1, line 48, by adding after the word "comptroller" the following: Provided, however, that any county desiring to take advantage of the tax money remitted to them herein shall, before being entitled to receive or retain any of such tax money, reduce the county tax rate set for the preceding year in said county so as to reduce the total collections the equivalent of the amount of money received from the State under the remission."

(2)

Amend S. B. No. 224, Section 1, by striking out the following beginning in line 37: "The following purposes: Constructing flood control works and improvements in said county, for improvements to prevent soil erosion and for soil conservation purposes, for irrigation and drainage projects, reforestation and road building" and substituting therefor the following: "The same purposes as are now authorized by law for the use of county funds and such other purposes as now provided by law for the use of State taxes heretofore remitted to any county."

Senator Sulak offered the following amendment to the amendment (1):

Amend Nelson amendment by inserting before the words "total collection" the words "fifty percent of".

Question first recurring on the amendment to the amendment (1), yeas and nays were demanded.

The amendment to the amendment was adopted by the following vote:

Yeas—14

Brownlee	Roberts
Burns	Stone
Cotten	of Galveston
Graves	Sulak
Hill	Van Zandt
Isbell	Weinert
Kelley	Winfield
Lanning	

Nays—8

Aikin	Nelson
Collie	Pace
Head	Small
Metcalf	Spears

Absent

Lemens	Redditt
Moffett	Shivers
Moore	

Absent—Excused

Beck	Martin
Hardin	Stone
	of Washington

Question—Shall the amendment (1) as amended be adopted?

Joint Session

At 11:50 o'clock a. m., the President announced that the hour had arrived for a joint session of the two Houses to hear a concert by the choir of the Texas State College for Women, and he requested the Senate to proceed to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were escorted to seats prepared for them along the aisle.

The director and members of the choir of the Texas State College for Women were escorted to the Speaker's stand by Representative Skiles of Denton County, who presented Dr. William E. Jones, director of the choir, to the Joint Session.

Dr. Jones then directed the choir's rendition of a selection of vocal numbers.

At the conclusion of the concert, the Senate retired to its chamber.

In the Senate

The President called the Senate to order at 12:20 o'clock p. m.

**Adjournment**

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m., Monday, April 17, 1939.

Senator Nelson moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—14**

Brownlee	Lemens
Burns	Metcalfe
Collie	Moffett
Cotten	Pace
Graves	Roberts
Hill	Shivers
Isbell	Weinert

**Nays—7**

Aikin	Spears
Moore	Stone
Nelson	of Galveston
Small	Winfield

**Absent**

Head	Stone
Kelley	of Washington
Lanning	Sulak
Redditt	Van Zandt

**Absent—Excused**

Beck	Martin
Hardin	

The Senate, accordingly, at 12:22 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday, April 17, 1939.

**APPENDIX****Reports of Committees on Engrossed and Enrolled Bills**

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 36 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 216 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 141, 426, 111, 13, 269, 365, 401, 313, 352, 429, 181, 431, 425, 421, 350, 430, 207, 262, 268, 140, and 28 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 392 and 19, and S. C. R. No. 14 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
April 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 6 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

**FIFTY-SECOND DAY**

(Monday, April 17, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Beck
-------	------